

12-15-04 DT07 Rec'd PCT/PTO 14 DEC 2004
PCT/1390 (Rev. 12-2004)Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 101215-174
INTERNATIONAL APPLICATION NO. PCT/EP03/06306	INTERNATIONAL FILING DATE 16 June 2003	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 107518317
PRIORITY DATE CLAIMED 18 June 2002		

TITLE OF INVENTION METHOD FOR DETECTING INCREASED SUSCEPTIBILITY TO TUMORS	
APPLICANT(S) FOR DO/EO/US MEYE, Axel; TAUBERT, Helge; HILLEBRAND, Timo; BENDZKO, Peter; KRUGER, Katharina et al.	

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A preliminary amendment.
14. An Application Data Sheet under 37 CFR 1.76.
15. A substitute specification.
16. A power of attorney and/or change of address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.
18. A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information: **Express Mail Certificate; Return Receipt Postcard; Search Report**

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10518317		INTERNATIONAL APPLICATION NO. PCT/EP03/06306		ATTORNEY'S DOCKET NUMBER 101215-174	
21. The following fees are submitted:					
<input checked="" type="checkbox"/> a) Basic national fee..... \$300.00 <input checked="" type="checkbox"/> b) Examination fee..... \$200.00 <input checked="" type="checkbox"/> c) Search fee..... \$500.00					
TOTAL OF ABOVE CALCULATIONS = \$1000.00					
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
66 - 100 =	0 /50 =	0		x \$250.00	\$ 0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		\$
Total claims	9 - 20 =	0	x \$50.00	\$ 0.00	200
Independent claims	4 - 3 =	1	x \$200.00	\$ 200.00	200
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$	
TOTAL OF ABOVE CALCULATIONS = \$ 1200.00					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by $\frac{1}{2}$.					
SUBTOTAL 1200 Adjustment Date: 04/03/2005 HOLYARAD Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). 10518317 DAH: 141263 00000056 141263 10518317 02 FC:2632 .250.00 CR					
TOTAL NATIONAL FEE = \$ 600.00					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$					
TOTAL FEES ENCLOSED = \$					
Amount to be refunded: \$ Amount to be charged: \$600.00					
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the 04/03/2005 HOLYARAD 00000005 141263 10518317 b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 14-1263 in the amount of \$ 200.00 DA A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1263 . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO: Bruce S. Londa Norris McLaughlin & Marcus, PA 875 Third Avenue, 18th Fl. New York, NY 10022					
 SIGNATURE <u>Bruce S. Londa</u> NAME					
CUSTOMER NO.: 27387 <u>33,531</u> REGISTRATION NUMBER					

10/518317

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Docket No.: 101215-174

Inventor(s): MEYE, Axel; TAUBERT, Helge; HILLEBRAND, Timo; BENDZKO, Peter;
KRUGER, Katharina; KAPPLER, Matthias; WIRTH, Manfred

Title: **METHOD FOR DETECTING INCREASED SUSCEPTIBILITY TO
TUMORS**

I.A. No.: PCT/EP03/06306

EXPRESS MAIL CERTIFICATE

"Express Mail" mailing label number EV 605789652 US
Date of Deposit December 14, 2004

I hereby certify that the following items:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371
2. Application Data Sheet (5 pages)
3. Copy of International Publication (18 pages) – WO 03/106707
4. Copy of English-language translation of Specification and claims (13 pages)
5. Preliminary Amendment
6. Copy of International Search Report
7. Return Receipt Postcard

are being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the: Mail Stop PCT, Attn.: US/RO, Commissioner for Patents, P.O. Box 1450, Alexandria, V.A. 22313-1450.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By Laurie Olds
Laurie Olds